

3.20 Grievance Policy

I. Purpose

This policy has been established to foster sound employee-employer relations through communication and reconciliation of certain work-related problems. The primary objective of the Grievance Procedure is to determine whether employees have been treated in accordance with College Staff policies and procedures.

II. Policy

- A. The grievance process is only available to regular, full-time and part time non-exempt or hourly college employees, who have completed their initial probationary period with the College, and exempt employees.
- B. A College employee, whose grievance is related to or regarding an act of discrimination due to such grievant's race, creed, color, religion, national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, GINA (the Genetic Nondiscrimination Identification Act), sexual orientation, or any other characteristic protected by applicable federal, state, or local laws, will use the discrimination and harassment complaint procedure and not this Grievance Policy.
- C. This Grievance Policy will not be used to effect changes in Policies or Rules, such as hours of employment, rates of compensation or the content or merit of College Staff, Faculty of Administrative Policies and Procedures. The process will not be utilized to investigate verbal counseling or written reprimands unless the grievance falls under Staff Policy 3.2 Discrimination and Harassment.
- D. If, after a grievance is filed, a lawsuit/complaint is filed with any board, agency or court concerning the

same subject matter, the grievance process will stop unless the grievant has submitted written notification to the Director of Human Resources of his/her intent to withdraw the grievance.

- E. All records pertaining to specific grievances will be maintained by the office of Human Resources in separate files from the employee's personnel file.
- F. The decision to administratively suspend an employee, with or without pay, during an investigation is not subject to a grievance hearing.

III. Procedures

- A. Before a formal written grievance is filed, an employee shall attempt to settle his/her dispute with his/her immediate supervisor in the employee's department. The employee is required to show that a reasonable effort was made to resolve any question or misunderstanding within the employee's department prior to filing a grievance.

- B. Mediation

This assistance provides an opportunity for both parties to present points of view and work toward solutions that are mutually agreeable. Although mediators usually have a vested interest in arriving at a workable solution, the final agreement belongs to the parties. The role of the mediator is to help the parties reach an agreement that ultimately results in a healthy work environment for both parties. In general, the goal is a "win/win" solution. Unless criminal or unethical issues are identified, the process is handled in a confidential manner. In some situations, however, the parties may request the final agreement be shared with other specific persons. Information learned or obtained in the mediation process is not admissible in the grievance process. Mediation agreements cannot bind the College.

- C. It is expected that each employee will make a good faith effort to resolve disagreements or conflicts prior to filing a grievance, by talking with his/her supervisor or by taking advantage of the mediation process. If an employee is unable to informally resolve his/her grievance with his/her immediate supervisor or co-worker or by participating in mediation, the employee shall obtain a statement of grievance. The grievant will be required to state the nature of the grievance, supported with specific facts, as well as what steps the employee has taken to resolve the grievance. The grievance statement should be presented to the employee's immediate supervisor within thirty (30) calendar days after an alleged grievable incident shall have occurred. The supervisor will acknowledge the receipt of the grievance statement by signing and dating the statement. A copy of the grievance shall then be forwarded by the department to the Director of Human Resources. The Director of Human Resources shall determine whether the issue(s) raised are subject to a grievance process. The Director of Human Resources may dismiss some or all of the issues or clarify the scope of any grievance. The decision to dismiss issue(s) is subject to appeal in writing within ten (10) business days of written notice to the College President. The President's decision shall be final.
- D. The supervisor or co-worker, in collaboration with the department head, shall respond to the grievant within ten (10) work days from dated receipt of the grievance from the employee and shall present a grievance response to the employee with a copy forwarded to the Director of Human Resources.
- E. If the grievant is not satisfied with the response, he or she has the option of requesting a meeting with the Director of Human Resources. The grievant should make the request in writing to the Director of Human Resources within five (5) work days of the written

response by the supervisor. The Director of Human Resources will then work with the grievant and the respondent towards an agreeable resolution of the complaint. For grievances related to termination, demotion or suspension without pay, the grievant may request a hearing with the College Personnel Committee. The request should be in writing to the Director of Human Resources within five (5) work days of the written response by the supervisor. No other grievances heard under this policy may be appealed to the Personnel Committee.

- F. The Personnel Committee will convene a hearing within seven (7) work days of receipt of the written request for a hearing to the Director of Human Resources unless a different hearing date is granted by the Chair of the Committee. Both the grievant and the respondent should be present for the hearing, along with other persons who, according to the grievant or the respondent can provide relevant information. Although the hearing is an internal matter, legal counsel for either (or both) party is allowed and a record kept by the Director of Human Resources. The College Personnel Committee is charged with providing a written summary of their findings within seven (7) work days of the conclusion of the hearing to the respondent, to the grievant, and to the Director of Human Resources.
- G. The decision of the College Personnel Committee shall be final unless overturned by the College President within fifteen (15) work days of the date of the College Personnel Committee's written summary. Grievances filed against the College President shall have the decision of the College Personnel Committee overturned by the Chair, Board of Trustees, within fifteen (15) work days of the date of the College Personnel Committee's written summary.
- H. The College Personnel Committee is not a policy making body and may not challenge the legality of the College's

Staff, Faculty or Administrative policies. The Committee must reach its decisions within the framework of the Policies existing at the time the case was initiated. The Committee is without the authority to award or recommend damages or compensation of any nature, except reinstating lost wages for an employee, who has been suspended without pay, demoted or terminated

- I. The burden of proof rests upon the appealing employee, who must show that the evidence is clear and convincing. In an appeal to the College Personnel Committee, the question under consideration is whether the employee has been treated in accordance with College Staff policies and procedures. The Committee shall not consider unrelated matters.
- J. Any College employee is prohibited from retaliating against a person filing a grievance, serving as a witness in a grievance investigation, or any person connected to a grievance investigation or resolution of a grievance.
- K. Members of the College Personnel Committee – Staff members are appointed by the College President; faculty members are appointed by the Vice President for Academic Affairs.